

# CONTROLLED SPORTS



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## Access Canberra Framework

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Part of Accountability  
Commitment series

October 2020



Chief Minister, Treasury and Economic Development Directorate - CMTEDD

Access Canberra

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Published October 2020

IMPORTANT NOTE: This information is for guidance only.

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# INTRODUCTION

## Purpose

The purpose of this framework is to set out the objectives and general principles for compliance and enforcement activities undertaken by Access Canberra in relation to the [Controlled Sports Act 2019](#) (the Act) which includes the conduct of the controlled sports event.

This framework outlines the risk-based approach to compliance with the legislation and is intended to be a useful and transparent guide.

## Key principles

Please refer to the Access Canberra Accountability Commitment as this sets out the principles that inform the decisions and regulatory action of Access Canberra. The Accountability Commitment is available online from [www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au).

**Risk-based** – Access Canberra will apply a risk-based compliance approach to ensure resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest, thereby strengthening its capacity to take action where the community, workers and the environment are most at risk.

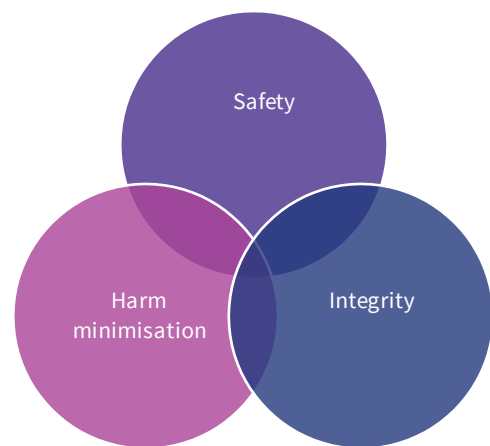
## Strategic objectives

The strategic objectives central to the Controlled Sports legislation are:

**Contestants' safety** – promote the health and safety of controlled sports contestants.

**Harm minimisation** – regulate the conduct of certain combat and high-risk sports events in a way that minimises harm.

**Integrity** – promote the integrity of controlled sports events.



*Relationship between our Strategic Objectives*

## Legislative framework

The [Controlled Sports Act 2019](#) (the Act) and the [Controlled Sports Regulation 2019](#) (No1) provide the legislative framework that regulates combat sports within the ACT commenced in October 2019. The legislative framework is supported by the Controlled Sport Code of Practice 2019 (No 1) which applies generally to promoters, medical practitioners, officials and contestants who are registered to participate in controlled sports events. The legislative framework aims to regulate certain combat sports events and other high-risk sports or activities, promote the health and safety of controlled sports contestants and ensure the integrity of controlled sports events.

*...framework that regulates  
combat sports within the  
ACT...*

The legislative scheme includes arrangements for the registration of participants in defined events, minimum standards for the conduct of events (through the development of the Code of Practice) and age requirements.

*...registration of participants in defined events...*

## Compliance model

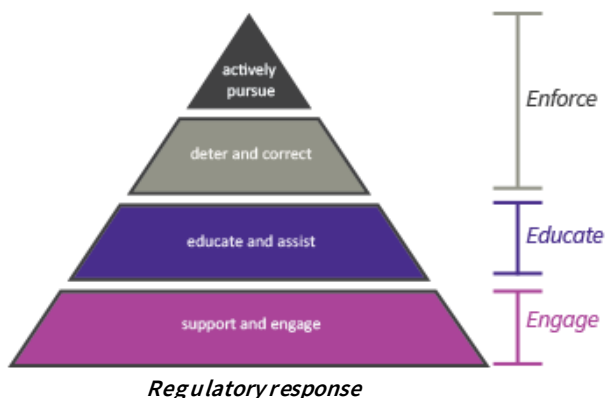
### Engage, Educate, Enforce

**Engage, educate and enforce** are the three fundamental steps used by Access Canberra. Compliance is encouraged through education, but escalating enforcement action will be applied to those whose conduct will, or is likely to, cause harm.

**Engage** means ensuring there is a positive working relationship with stakeholders and members of the public.

**Educate** means taking reasonable steps to ensure people know how to comply (e.g. compliance and education inspections, newsletters).

**Enforce** means taking action for non-compliance proportional to the harm caused by the conduct (e.g. suspending registrations, prosecution).



## Approach to enforcement

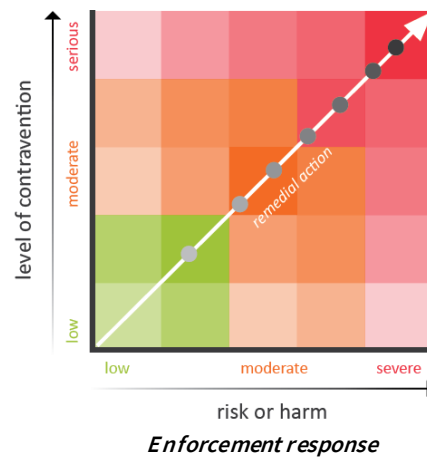
Access Canberra operates on a risk-based compliance model.

The risk-based compliance approach enables the targeting of resources to those areas where they are most needed and will be most effective. This approach involves a series of steps to identify and assess risks and to then apply the most appropriate regulatory tool to control the risk.

This means that **resource allocation** and **enforcement responses** are determined based on priorities determined through risk assessment.

**Resource allocation** – how compliance priorities are established, such as the frequency of proactive compliance activities and the prioritisation of complaints or allegations of non-compliance with the Act.

**Enforcement responses** – the appropriate enforcement response is also determined based on the risk or realised consequences. This allows a degree of flexibility to ensure the right regulatory approach for the right situation.



Conduct which contravenes the legislation is considered on a case-by-case basis and with consideration given to the circumstances of the conduct. Access Canberra will apply the most appropriate regulatory tool to address the conduct and to achieve the desired regulatory outcome which, depending on the circumstances, may include a written warning or prosecution.

## EDUCATION

Like any regulatory regime, the optimal outcome for Controlled Sports events is voluntary compliance. Education has a key role to play in maximising compliance by ensuring lack of information is not a contributing factor to non-compliance.

Access Canberra provides advice and education to promoters, medical practitioners and other stakeholders prior to the organised event. The goal is to ensure that all stakeholders understand their rights, obligations and responsibilities under the Act.

***...ensure that our stakeholders understand their rights, obligations and responsibilities under the Act...***

As part of its communication strategy, Access Canberra strives to deliver advice and education to relevant target audiences through a number of activities and tools, including newsletters, editorial/articles and factsheets for industry publications, social media such as Facebook and Twitter, advertising campaigns, web content and features at [www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au). The Access Canberra online resources include numerous guides, brochures, factsheets and links to assist people ensure their actions comply with relevant laws.

***[www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au) - Access Canberra online resources***

## COMPLIANCE MONITORING AND INVESTIGATIONS

Access Canberra compliance activities are aimed at ensuring positive outcomes for the community.

Access Canberra carries out both proactive and reactive activities that are risk-based, with resources allocated based on the level of risk posed according to the strategic objectives.

***...ensuring positive outcomes for the community... proactive and reactive activities...***

### Proactive activities

Access Canberra has developed a pro-active compliance program to ensure compliance with obligations under the Act. The program primarily focuses on attending events and engaging with promoters and officials to ensure they comply and understand how to comply with the legislative framework.

***...compliance activities are aimed at ensuring positive outcomes for the community.***

## Reactive activities

Access Canberra will undertake an investigation in response to complaints received from industry, the general public, or referrals from external agencies.

Access Canberra prioritises complaints based on the risk or harm (or potential risk or harm), such as instances in which:

- > an allegation is received that an event was conducted without approval;
- > a doctor was not present during the controlled sport event and/or no medical equipment was available during the event; or
- > allegations of an unregistered contestant or an official at an event.

***...prioritises complaints based on the risk or harm...***

- > a promotor has conducted an unregistered event;
- > an event has been conducted without a medical practitioner present;
- > an unregistered or not medically cleared contestant competes at an event.

***...Inspectors are able to exercise a level of discretion...***

## Enforcement options

Access Canberra has criminal enforcement remedies at its disposal under the supporting legislation.

**Prosecution** – Prosecutions may be brought in relation to alleged breaches of the offence provisions in the Act depending on the risk associated with the conduct.

## DETERMINING APPROPRIATE ENFORCEMENT RESPONSES

Once Access Canberra has identified that an offence has been committed the next step is to determine the appropriate enforcement response.

Access Canberra Inspectors are able to exercise a level of discretion, particularly when the conduct in question is low risk and has caused limited or no harm. However, enforcement of legislative requirements is likely to occur in situations where:

- > the safety of a contestant is jeopardised by not having appropriate medical equipment available at the event;

## POWERS HELD BY INSPECTORS

Access Canberra Inspectors are appointed by the Controlled Sports Registrar in accordance with Section 71 of the [Controlled Sports Act 2019](#). The Act allows Inspectors to stop a controlled sports event taking place at the premises at any time if the Inspector believes on reasonable grounds that:

- > the health or wellbeing of any person at the event is at risk; or
- > stopping the event is necessary for public order.

An event can be stopped by an Inspector temporarily for order to be restored, or for the risk to be addressed.

***...Inspectors are appointed by the Controlled Sports Registrar...***

## REVIEW OR APPEAL RIGHTS

### Seeking a review

There are a number of decisions made by Access Canberra that are reviewable.

Formal reviews of decisions are undertaken by the **ACT Civil and Administrative Tribunal (ACAT)**. The ACAT is the review body for the majority of government decisions in the ACT. There are time limits to seek a review of decisions and fees may apply. The ACAT has various powers which include confirming the decision, varying the decision or setting aside the decision. For more information on ACAT or the appeals process, visit [www.acat.act.gov.au](http://www.acat.act.gov.au).



Web: <https://www.acat.act.gov.au/>

Phone: (02) 6207 1740

Contact: ACT Civil and Administrative Tribunal GPO Box 370, CANBERRA ACT 2601

Email: [tribunal@act.gov.au](mailto:tribunal@act.gov.au)

In addition to ACAT, a person who has a complaint about a decision can complain to the Ombudsman at [www.ombudsman.act.gov.au](http://www.ombudsman.act.gov.au).



Web: <https://www.ombudsman.act.gov.au/>

Phone: 1300 362 072

Contact: ACT Ombudsman GPO Box 442, CANBERRA ACT 2601

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)



# APPENDIX 1: RELEVANT LEGISLATION

- [\*Controlled Sports Act 2019\*](#)
- [\*Controlled Sports regulation 2019\*](#)
- [\*Controlled Sports Code of Practice 2019\*](#)
- [\*Controlled Sports Public Interest Guidelines 2019\*](#)

The ACT Government also periodically issues guidelines, determinations and delegations in the form of Notifiable Instruments and Disallowable Instruments. To access any relevant legislation visit: <http://www.legislation.act.gov.au>.



Chief Minister, Treasury and Economic Development Directorate

Access Canberra

⚙️ Accountability Commitment Framework

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